## United States Department of Labor Employees' Compensation Appeals Board

P.H., Appellant	
- vy <b>F</b> F V	)
and	) <b>Docket No. 21-0945</b>
	) Issued: March 16, 2022
U.S. POSTAL SERVICE, POST OFFICE,	)
Oklahoma City, OK, Employer	)
	)
Appearances:	Case Submitted on the Record
Appellant, pro se	
Office of Solicitor, for the Director	

## ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 3, 2021 appellant filed a timely appeal from the December 8, 2020 OWCP decision, to which the Clerk of the Appellate Boards assigned Docket No. 21-0945.

By decision dated March 13, 2020, the Board set aside the December 3, 2018 OWCP decision and remanded the case for OWCP to apply the more stringent clear evidence of error standard for an untimely request for reconsideration.

In accordance with the Board's March 13, 2020 decision, OWCP issued a December 8, 2020 decision and denied appellant's November 20, 2018 request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

On March 7, 2022 the Board issued an order under Docket No. 19-1354, finding that the March 13, 2020 Board decision was *void ab initio* and of no effect. The Board reissued the decision on March 13, 2022, finding that appellant's November 20, 2018 request for reconsideration was timely filed from the most recent merit decision dated March 13, 2018.

The Board, having duly considered the matter, notes that because the Board voided the prior decision under Docket No. 19-1354, OWCP had no jurisdiction to issue the December 8, 2020 decision. Consequently, the December 8, 2020 decision is null and void.

Pursuant to 5 U.S.C. § 8149 and 20 C.F.R. §§ 501.2(c) and 501.3(a), the Board's jurisdiction is limited to review of final adverse decisions of OWCP issued under the Federal Employees' Compensation Act (FECA). As the December 8, 2020 decision is null and void, the appeal assigned Docket No. 21-0945 does not contain a final adverse decision over which the Board may properly take jurisdiction. Therefore, the Board finds that the appeal docketed as No. 21-0945 is dismissed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-0945 is dismissed.

Issued: March 16, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. § § 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</sup> See Order Dismissing Appeal, L.R., Docket No. 20-1447 (issued April 7, 2021).